

REMARKS/ARGUMENTS

Claims 2, 6, 13, 20-21 and 33-34 remain in the case.

The number of claims has not been increased and no new issues are raised. Reconsideration of this Application and entry of the foregoing amendments are accordingly respectfully requested. Claims 7-12, 14-19, 22-32 and 35-40 have been cancelled and claims 2 and 6 have been amended in view of the Office Action and to better define what the Applicants consider their invention, as fully supported by an enabling disclosure. Additional support for the amendments to the claims can be found in the original claims.

I. REJECTIONS UNDER 35 U.S.C. §112, SECOND PARAGRAPH

Claims 2, 6, 13, 20-21 and 33-34 stand rejected as allegedly failing to comply with the written description requirement under 35 U.S.C. § 112, second paragraph. More specifically, claim 2 stands rejected as allegedly ambiguous. In response, and without conceding to the merit of this rejection, it is respectfully submitted that amended claim 2, which now clearly recites the enzyme of SEQ ID NO: 1 which has been modified with a substitution of amino acids 27-46, satisfies 35 U.S.C. § 112, second paragraph.

Claim 6 also stands rejected for depending on a cancelled claim. Claim 6 now correctly depends on claim 2.

Withdrawal of the formal rejection under 35 USC 112, second paragraph, is now believed to be in order. Such action is respectfully requested.

II. REJECTIONS UNDER 35 U.S.C. §112, FIRST PARAGRAPH

Claims 2, 6, 13, 20-21 and 33-34 stand rejected as allegedly failing to comply with the written description requirement under 35 U.S.C. § 112, second paragraph. More specifically, claims 2 and 6 are rejected for encompassing any PHEX modified as recited in these claims.

In response, without conceding to the merit of this rejection, and in order to accelerate prosecution, claims 2 and 6 now recite PHEXs having a sequence as set forth in SEQ ID NO: 1 which have been modified as recited in claims 2 and 6, respectively. Withdrawal of this rejection is now respectfully requested.

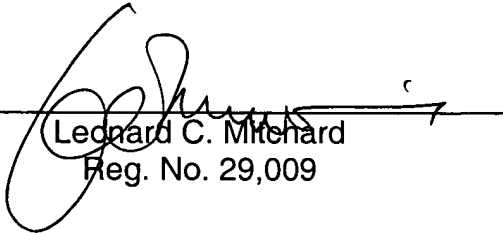
Applicant notes that the original rejection under 35 U.S.C. § 103 has been withdrawn.

The rejections of the original claims are believed to have been overcome by the present remarks and the amendments to the claims. From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such an action is earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Leonard C. Mitchard
Reg. No. 29,009

LCM:lfm
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100